

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00104-MR-DLH**

PATRICIA BLOKER MACHNIK,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

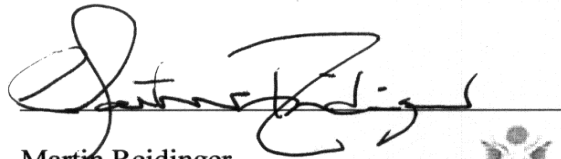
THIS MATTER is before the Court on the Defendant's Motion to Strike Jury Demand. [Doc. 31].

The Defendant moves to strike the jury demand set forth in the Plaintiff's Amended Complaint. [Doc. 31]. The Plaintiff asserts claims under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680 ("FTCA"). Title 28 of the United States Code, Section 2402 provides that FTCA actions are to be tried without a jury. 28 U.S.C. § 2402; Carlson v. Green, 446 U.S. 14, 22 (1980) ("a plaintiff cannot opt for a jury in a FTCA action").

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Strike Jury Demand [Doc. 31] is **GRANTED**, and the jury demand set forth in the Plaintiff's Amended Complaint [Doc. 4] is hereby **STRICKEN**.

IT IS SO ORDERED.

Signed: December 21, 2017

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

